

Town Council Meeting: 08 September 2008



Town of Garrett Park
PO Box 84
4600 Waverly Avenue
Garrett Park, MD 20896

Regular Meeting of Town Council
Garrett Park Town Hall
10814 Kenilworth Avenue
Garrett Park, MD 20896

MINUTES

Meeting Call to Order: Mayor Keller called the meeting to order at 8:00 PM. Present were Councilmembers Berry, Hansen, Irons, Mandel, and Wegner. Also present was Administrator Pratt, Town Attorney Ronald Bolt, Rich Folkers of the *Bugle*, Jennifer Beasley of the *Gazette*, Attorney Michele Rosenfeld (Attorney for Plaintiffs in *Martin v. Garrett Park*), and over 70 Town residents.

Approval of Agenda: The amended agenda was adopted without objection

Public Hearings:

- Statutory Hearing: Ordinance 2008-05: An Ordinance To Amend Chapter 4 of the Garrett Park Town Code to Delete the Combined Setback Requirement and to Add a Lot Coverage Requirement – Mayor Keller called the hearing to order, noting that it was a requirement of state law that the Town hold a public hearing before the adoption of a zoning ordinance, and that the Montgomery County Council be given 30 days notice of the hearing. (A copy of this notice is attached to these minutes) The Mayor also noted that the Council would take no action on the adoption of Ordinance 2008-05, introduced at a special Council meeting in August, until the October meeting in order to allow the Citizens Association to hold a meeting to discuss the ordinance and related zoning issues. Mayor Keller then asked if Councilmembers wished to speak. Councilmembers Hansen and Mandel made brief statements, Councilmember Berry recounted his telephone conversation with the Town Attorney, David Podolsky, regarding the ordinance and the lawsuit against the Town (*Martin v. Garrett Park*), and also made a brief statement.

After brief discussion, Councilmember Mandel **MOVED**

That Ordinance 2008-05 be amended by striking the words “including, but not limited to, chimneys, covered and uncovered porches, decks, steps and stoops, covered breezeways, bay and bow windows and any other structure above the ground plane and attached to such building” in Section 402(b)(3) of the proposed amendment. Councilmember Hansen seconded the motion. After discussion, Councilmember Hansen withdrew her second and Councilmember Mandel withdrew his motion, so the motion was **WITHDRAWN**.

Councilmember Mandel **MOVED**

That it was the sense of the Council that Ordinance 2008-05 should be amended at the October meeting so that it speaks only to the change from 82% minimum combined setback to 18% lot coverage. Councilmember Irons seconded the motion, which **PASSED** unanimously.

Mayor Keller then invited residents to address the chair in the order they had signed up on the speakers list (A copy of the speakers list is attached to these minutes). At 9:55 PM, all those who wished to address the Council having spoken, Mayor Keller called for a brief recess of the meeting, noting that the hearing on the Colella variance had been continued to the October meeting. At 10:05 PM the Mayor called the meeting back into order.

Presentations by Residents:

- Phil Schulp briefed the Council on recent activity in the class-action lawsuit against AT&T regarding the installation of fiber-optic cables along the CSX right of way that may have actually been placed on abutting property without the owner's permission.
- Henri Keller reminded the Council of the upcoming screening of the movie "Sputnik Mania" by the Garrett Park Film Society and Women's Club to benefit the Betsy White Emergency Loan Fund, with resident Paul Dickson, author of the book on which the movie is based, providing signed copies of his book and donating all proceeds to the fund.

Mayor's Report:

- Mayor Keller reported that a serious breach of attorney-client privilege had occurred in the lawsuit *Martin v. Town of Garrett Park*, and that the Town is looking into the matter. The Mayor reminded the Council that attorney-client privilege was essential to obtaining and using good legal advice.
- The Mayor briefed the Council on his discussions with the Principal of the Garrett Park Elementary School regarding the recent incident at the school concerning a possible attempt at abduction of a student.

Councilmember's Reports on Areas of Responsibility:

- Councilmember Berry briefed the Council on the recent Garrett Park Swimming Pool Association board meeting, noting that the board appreciated the installation of the temporary speed bump and was inquiring as to the possibility of installing permanent speed bumps in the area. Councilmember Berry noted that the temporary speed bump would be removed shortly.
- Councilmember Hansen reported that the date for a response to the Town's request for proposals regarding for pruning of Town trees had been extended one week due to the death of a partner in one of the companies considering making a proposal.

Approval of Minutes:

- 07/14/2008 Regular Council Meeting – deferred to the October meeting.
- 08/07/2008 Special Council Meeting – deferred to the October meeting.

Action/Discussion:

- Introduction of Ordinance 2008-06: FY 2009 Budget: Transfer of \$16,750 from projected surplus to Line Item 11700-Professional Fees – Mayor Keller noted a memo from Administrator Pratt (Attached to these minutes) informing the Council that a summing error in the FY 2009 budget ordinance, Ordinance 2008-03, had resulted in a budgeted surplus of \$16,750, and that Administrator Pratt recommended that this surplus be applied to Professional fees.

Councilmember Mandel **MOVED**

The introduction of Ordinance 2008-06, transferring \$16,750 in unallocated FY 2009 budgeted revenues that total \$1,060,850 to line item number 11700- Professional Fees, bringing that line item to a total of \$53,850, and raising the total FY 2009 budgeted expenditures from \$1,044,100 to \$1,060,850, bringing the FY 2009 budget into balance. Councilmember Wegner seconded the motion, which **PASSED** unanimously.

Town Administrator Report:

- FY 2008 End of Year (June) Financial Report - Administrator Pratt briefed the Council on the FY 2008 End of Year Report.
- Monthly Financial Report – Administrator Pratt briefed the Council on the Monthly Financial Report.

Adjournment: The meeting adjourned at 10:40 PM

Respectfully Submitted,

[TOWN SEAL]

Edwin Pratt, Jr.

Edwin Pratt, Jr.
Clerk-Treasurer

Speakers at the 08 September 2008 Ordinance 2008-05 Public Hearing

Listed in Speaking Order

Order	Speaker		Number	Address
	Last Name	First Name		Street
1	Mader	Millie	10704	Keswick Street
2	Kornberg	Warren	11017	Kenilworth Avenue
3	Martin	Elaine	10708	Clermont Avenue
4	Cohen	Peter	10703	Clermont Avenue
5	McKenzie	Nan	4521	Cambria Avenue
6	Pittillo	Rita	10696	Montrose Avenue
7	Martin	George	4513	Oxford Street
8	Bonner	Loretta	10702	Clermont Avenue
9	Horan	Jean	4419	Cambria Avenue
10	Schulp	Philip	4419	Cambria Avenue
11	Keating	Pat	10930	Montrose Avenue
12	Masucci	Rose	10700	Clermont Avenue
13	Gordon	Harry	4708	Argyle Avenue
14	Kratz	Peter	10704	Clermont Avenue
15	Duyn	Sjef	10709	Keswick Street
16	Collins	Dennis	11400	Rokeby Avenue
17	Artim	Bruce	10810	Clermont Avenue
18	Snyder	Charlie	10910	Montrose Avenue
20	Lane	Rick	4701	Albemarle Avenue
21	Strong	Chris	11111	Rokeby Avenue



Town Office

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MEMORANDUM

To: Mayor & Council
From: Ted Pratt
Re: Ordinance 2008-06: Changes to FY 2009 Budget
Date: 08 September 2008

The August Monthly Financial Report indicates that we are likely to overspend line item 11700-Professional Fees within the next two months. Therefore, I propose the Council transfer \$16,750 of unallocated FY 2009 revenues to this account.

These unallocated revenues are a result of a summing error in the original Ordinance 2008-03 FY 2009 Budget expenditures spreadsheet. When the error was discovered and corrected while compiling the August report, the total of budgeted expenditures became \$1,044,100 (page 8), producing a surplus against the budgeted \$1,060,850 in revenues, as shown on page 5.

Hopefully, this will cover additional expenditures in Professional Fees until our normal mid-year review in January.

Motion on the ordinance:

I move the introduction of Ordinance 2008-06, transferring \$16,750 in unallocated FY 2009 budgeted revenues that total \$1,060,850 to line item number 11700- Professional Fees, bringing that line item to a total of \$53,850, and raising the total FY 2009 budgeted expenditures from \$1,044,100 to \$1,060,850, bringing the FY 2009 budget into balance.